

## CHAPTER 605: BUSINESS REGULATIONS

### SECTION 605.010: DEFINITIONS

Any person, partnership, firm or corporation engaged in or carrying on the business of selling any goods, wares or merchandise at any store, stand or place occupied for that purpose, within the City of Country Club Hills, is hereby declared to be a merchant, except as is or may be otherwise provided by ordinance. (Ord. No. 228 §1, 7-6-55)

### SECTION 605.020: LICENSE REQUIRED

Every person coming within the foregoing definition of a merchant shall, before doing or offering to do business as such, procure from the City Clerk a license therefor in conformity with the provisions of this Chapter. (Ord. No. 228 §2, 7-6-55)

### SECTION 605.030: LICENSE NOT TRANSFERABLE

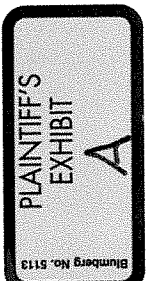
No license issued under the provisions of this Chapter shall be transferable or assignable. (Ord. No. 228 §3, 7-6-55)

### SECTION 605.040: MERCHANTS TO FILE STATEMENT

The City Clerk shall after the first (1st) day of March and before the first (1st) day of June in each year, call upon every merchant, as defined in Section 605.010 of this Chapter, within the City of Country Club Hills and it shall be the duty of every merchant, whether so notified or not, to furnish to the City Clerk prior to the first (1st) day of June of each year a statement of the value of the greatest amount of goods, wares and merchandise that such merchant had in his/her possession or under his/her control at any time between the first (1st) Monday in July and the first (1st) Monday of the month next preceding the date of the statement required herein, as well as a statement of the aggregate amount of all sales made by such merchant during the preceding calendar year at each store, stand or place occupied for that purpose within the City of Country Club Hills, which statements shall be made in writing and delivered to the City Clerk, verified by the affidavit of the merchant or officer of the corporation making it, if residing within the City of Country Club Hills or if not, then by some credible person duly authorized to do so. (Ord. No. 228 §4, 7-6-55)

### SECTION 605.050: TAX ON INVENTORY AND SALES

- A. Every merchant coming within the definition of Section 605.010 hereof shall on or before the first (1st) day of July each year pay to the City Clerk an annual merchant's license tax of four dollars (\$4.00) for each one thousand dollars (\$1,000.00), or fractional part thereof, of the gross amount of sales made during the preceding calendar year by such merchant at each stand, store or place occupied for the purpose within the City of Country Club Hills and in addition shall pay to the City Clerk an ad valorem tax on the value of the largest amount of all goods, wares and merchandise situated within the City of Country Club Hills at the rate of three percent (3%) of said value of all such goods, wares and merchandise; provided however, that no license shall be issued under the provisions of this Chapter having a sum less than three hundred dollars (\$300.00) for any merchant other than one dealing in new or used automobiles; and provided further, that no license shall be



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issued under the provisions of this Chapter for a sum less than five hundred dollars (\$500.00) for any merchant dealing in new or used automobiles.

- B. A delinquent fee of ten percent (10%) shall be assessed for all licenses not paid in full and renewed by June first (1st) of each year. (Ord. No. 228 §5, 6-7-55; Ord. No. 455 §1, 5-12-82; Ord. No. 641 §§1—2, 9-11-02)

#### **SECTION 605.060: BOND**

When any merchant shall commence business within the City of Country Club Hills after the first (1st) day of July in any year, such merchant shall take out a merchant's license, therefor, but before any license shall be issued, such merchant shall execute a bond to the City of Country Club Hills, to be approved by the Mayor, with two (2) or more sufficient securities, who shall be freeholders at the time, or deposit with the City Clerk bonds of the State of Missouri or other securities of equal value, conditioned that such merchant will on or before the first (1st) day of June next following furnish to the City Clerk statements, verified as required by this Chapter of the aggregate amount of all sales made by such merchant between the date upon which such merchant commenced business and the thirty-first (31st) day of May next succeeding, and of the value of the greatest amount of goods, wares and merchandise that such merchant had in his/her possession or under his/her control between the date upon which such merchant commenced business and the thirty-first (31st) day of May next succeeding, and that such merchant will pay to the City Clerk the merchant's license tax due according to the provisions of this Chapter, which bond or securities shall be in such sum as the Collector may deem sufficient to protect the City's interests. There shall be paid upon such statements the merchant's license tax provided for in Section 605.050 of this Chapter. Any merchant who shall fail or neglect to perform or fulfill the conditions of the bond executed by such merchant shall be deemed to have forfeited said bond, and in that event, it shall be the duty of the City Clerk to cause suit to be instituted thereon against the principals and all securities on such bond in a Court having competent jurisdiction, or make sale of the securities deposited with him/her in lieu of such bond, at public sale, after having given ten (10) days' notice thereof in a newspaper of general circulation within the City of Country Club Hills. (Ord. No. 228 §6, 7-6-55)

#### **SECTION 605.070: MERCHANTS TO KEEP ACCOUNTS**

It shall be the duty of each merchant to keep proper books or records, in which shall be entered, in ink, and account of all sales made by such merchants and of all goods, wares and merchandise in the possession or under the control of such merchant, which records shall always be open to the inspection of the City Clerk to verify the returns made by such merchant. The statements or returns made to the City Clerk, under the provisions of this Chapter, shall not be made public nor shall they be subject to the inspection of any person except the Mayor and the members of the Board of Aldermen. (Ord. No. 228 §7, 7-6-55)

#### **SECTION 605.080: DRAMSHOPS PROHIBITED**

The provisions of this Chapter shall not be construed to authorize any person to conduct a dramshop and the same shall only be authorized or lawful when commenced or operated in conformity with applicable laws of the State of Missouri and ordinances of City of Country Club Hills relating to such establishments. (Ord. No. 228 §8, 7-6-55)

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**SECTION 605.090: LICENSE FORM**

It shall be the duty of the City Clerk to furnish blanks for licenses which shall be in the following form:

**LICENSE**

Know all men by these presents, that \_\_\_\_\_  
 having paid to the \_\_\_\_\_  
 of the \_\_\_\_\_ of \_\_\_\_\_ in the County of \_\_\_\_\_  
 State of Missouri, the sum of \_\_\_\_\_  
 dollars, in conformity to the ordinances of the said \_\_\_\_\_ is hereby licensed  
 and authorized to \_\_\_\_\_

in the said \_\_\_\_\_ of \_\_\_\_\_  
 for the term of \_\_\_\_\_ from the date hereof.

Given this \_\_\_\_\_ day of \_\_\_\_\_ of 20\_\_\_\_

(Signed) \_\_\_\_\_  
 Mayor

(Countersigned) \_\_\_\_\_  
 City Clerk

(Ord. No. 228 §9, 7-6-55)

**SECTION 605.100: COPIES OF LICENSES TO BE RETAINED**

The blank licenses, provided for in Section 605.090 of this Chapter, shall be executed in duplicate and a copy thereof retained by the City Clerk for his/her file. Upon the copy of the license so retained by the City Clerk shall be entered separately the amounts of the total tax collected in accordance with the statements filed by such merchant based on the amount of sales and the value of the inventory of goods, wares and merchandise. (Ord. No. 228 §10, 7-6-55)

**SECTION 605.110: PENALTY FOR FAILING TO OBTAIN LICENSE**

Any merchant selling or offering for sale, within the City of Country Club Hills, any goods, wares or merchandise without first complying with the provisions of this Chapter, or shall otherwise violate the provisions of this Chapter, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00) for each offense. (Ord. No. 228 §11, 7-6-55)

**SECTION 605.120: PENALTY FOR FAILING TO FILE STATEMENTS AND PAY TAX**

Any merchant failing, neglecting or refusing to deliver the statements required by the provisions of this Chapter and to pay the license tax levied thereon on or before the first (1st) day of July in each year shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less

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than five dollars (\$5.00) nor more than one hundred dollars (\$100.00) for each offense, and in addition thereto the City Clerk shall assess a license tax for double the aggregate amount of sales of such merchant and double the aggregate value of the greatest amount of goods, wares and merchandise in the possession or under the control of such merchant, to be determined by the best information available, and the City Clerk shall report the delinquent to the City Attorney. (Ord. No. 228 §12, 7-6-55)

#### **SECTION 605.130: PENALTY FOR FALSE AFFIDAVIT**

Whoever shall make or file with the City Clerk, under the provisions of this Chapter, a false statement under oath, shall upon conviction thereof forfeit his/her license and be subject to the penalty prescribed in Section 605.120 of this Chapter. It shall be the duty of the City Clerk to carefully examine all statements filed by such merchant and refer to the proper authorities for prosecution all violations of this Chapter. (Ord. No. 228 §13, 7-6-55)

#### **SECTION 605.140: PERSONS NOT TO BE CHARGED FOR BUSINESS LICENSE**

- A. No person following for a livelihood the profession or calling of minister of the gospel, duly accredited Christian Science practitioner, teacher, professor in a college, priest, lawyer, certified public accountant, dentist, chiropractor, optometrist, chiropodist, or physician or surgeon in this City shall be taxed or made liable to pay any municipal or other corporation tax or license fee of any description whatever for the privilege of following or carrying on such profession or calling, and after December 31, 2003, no investment funds service corporation as defined in Section 143.451, RSMo., may be required to pay any such license fee in excess of twenty-five thousand dollars (\$25,000.00) annually, any law, ordinance or Charter to the contrary notwithstanding.
- B. No person following for a livelihood the profession of insurance agent or broker, veterinarian, architect, professional engineer, land surveyor, auctioneer, or real estate broker or salesman in this City shall be taxed or made liable to pay any municipal or other corporation tax or license fee for the privilege of following or carrying on his/her profession unless that person maintains a business office within the City of Country Club Hills.

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acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

3. If, upon the hearing, it shall appear to the Court that testimony is necessary for the proper disposition of the matter, it may take additional evidence or appoint a referee to take such evidence as it may direct and report the same to the Court with his/her findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which a determination of the Court shall be made. The Court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.
4. Costs shall not be allowed against the Board unless it shall appear to the Court that it acted with gross negligence, or in bad faith, or with malice in making the decision appealed from. All issues in any proceedings under Sections 89.080 — 89.110, RSMo., shall have preference over all other civil actions and proceedings.

ARTICLE VI  
Permits

## Section 405.160. Certificate of Occupancy.

[Ord. No. 164 §8, 6-26-1950; Ord. No. 342 §1, 12-11-1974]

- A. *Certificate Of Occupancy.* No vacant land shall be occupied or used except for agricultural uses, and no building hereafter erected or structurally altered shall be occupied or used until a certificate of occupancy shall be issued by the Enforcement Officer.
- B. *Certificate Of Occupancy For A Building.* Certificate of occupancy for a new building or the alteration of an existing building shall be applied for coincident with the application for a building permit, and said certificate shall be issued within five (5) days after the request for same shall have been made in writing to the Enforcement Officer after the erection or alteration of such building or part thereof shall have been completed in conformity with the provisions of these regulations. Pending the issuance of a regular certificate, a temporary certificate of occupancy may be issued by the Enforcement Officer for a period not exceeding six (6) months, during the completion of alterations or during partial occupancy of the premises or any other matter covered by this Chapter, and such temporary certificate shall not be issued except under such restrictions and provisions as will adequately insure the safety of the occupants.
- C. *Certificate Of Occupancy For Land.*
  1. Certificate of occupancy for the use of vacant land or the change in the character of the use of land as herein provided shall be applied for before any such land shall be used or occupied and a certificate of occupancy shall be issued within five (5) days after the application has been made, provided such use is in conformity with the provisions of these regulations.



2. Certificate of occupancy shall state that the building or proposed use of a building or land complies with all the building and health laws and ordinances and with the provisions of these regulations. A record of all certificates shall be kept on file in the office of the Enforcement Officer and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the building affected. A one hundred dollar (\$100.00) fee shall be charged for a certificate of occupancy.
3. No permit for excavation for any building shall be issued before application has been made for certificate of occupancy.

**D. *Application For Certificate Of Occupancy For Existing Use.***

1. The operators of all commercial establishments and the owners of all non-conforming residential property of any nature within the City of Country Club Hills shall, within six (6) months after the effective date of this Chapter, make application to the Enforcement Officer for a certificate of occupancy as provided herein. Failure to comply with this provision shall constitute a violation of this Chapter and shall be subject to penalties provided herein.
2. No merchant's or operating license shall hereafter be granted to any applicant, nor shall any such license thereafter be renewed, until a certificate of occupancy has been granted the applicant for such license.

**Section 405.170. Building Permits — Plans to Accompany Application.**

**[Ord. No. 164 §9, 6-26-1950]**

Application for building permits shall be accompanied by plans and specifications in detail to indicate the exterior and interior design, the grade and location thereof, including a plat of the lot showing the dimensions of the building and lot and the size of the respective yards thereof and shall be approved by endorsement thereon by the neighborhood committee as established by the restrictions covering Country Club home sites. The neighborhood committee shall pass on such plans to determine compliance with these requirements and with restrictions covering the property on which such building is located and shall give such approval or rejection within a period of thirty (30) days after the receipt of such plans. Failure to secure the approval herein provided or the disregard of rejection of the neighborhood committee shall constitute a violation of this Chapter and shall be subject to penalties provided herein. An appeal from the decision of the neighborhood committee may be taken to the Board of Adjustment as provided herein.

**ARTICLE VII  
Changes and Amendments**

**Section 405.180. Changes and Amendments.**

Such regulations, restrictions, and boundaries may from time to time be amended, supplemented, changed, modified or repealed. In case, however, of a protest against such change duly signed and acknowledged by the owners of thirty percent (30%) or more, either of the areas of the land (exclusive of streets and alleys) included in such proposed change or

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within an area determined by lines drawn parallel to and one hundred eighty-five (185) feet distant from the boundaries of the district proposed to be changed, such amendment shall not become effective except by the favorable vote of two-thirds ( $\frac{2}{3}$ ) of all the members of the legislative body of such municipality. The provisions of Section 89.050, RSMo., relative to public hearing and official notice shall apply equally to all changes or amendments.

**Section 405.190. Powers and Limitations of Legislative Body in City — Hearings, Notice.**

The legislative body of such municipality shall provide for the manner in which such regulations and restrictions and the boundaries of such districts shall be determined, established, and enforced, and from time to time amended, supplemented, or changed. However, no such regulation, restriction, or boundary shall become effective until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen (15) days' notice of the time and place of such hearing shall be published in an official paper or a paper of general circulation in such municipality.

**ARTICLE VIII**

**Enforcement and Violation**

**Section 405.200. Enforcement.**

[Ord. No. 164 §13, 6-26-1950]

It shall be the duty of the Board of Aldermen to designate the proper officer or department to enforce this Chapter.

**Section 405.210. Violation and Penalty.**

- A. In case any building or structure is erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is used in violation of Sections 89.010 — 89.140, RSMo., or of any ordinance or other regulation made under authority conferred hereby, the proper local authorities of the municipality, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, to restrain, correct, or abate such violation, to prevent the occupancy of such building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises. Such regulations shall be enforced by an officer empowered to cause any building, structure, place or premises to be inspected and examined and to order in writing the remedying of any condition found to exist therein or thereat in violation of any provision of the regulations made under authority of Sections 89.010 — 89.140, RSMo.
- B. The owner or general agent of a building or premises where a violation of any provision of said regulations has been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, or the owner, general agent, lessee or tenant of any part of the building or premises in which such violation has been committed or shall exist, or the general agent, architect, builder,

contractor or any other person who commits, takes part or assists in any such violation or who maintains any building or premises in which any such violation shall exist shall be guilty of a misdemeanor punishable by a fine of not less than ten dollars (\$10.00) and not more than five hundred dollars (\$500.00) for each and every day that such violation continues or by imprisonment for ten (10) days for each and every day such violation shall continue or by both such fine and imprisonment in the discretion of the Court. Notwithstanding the provisions of Section 82.300, RSMo., however, for the second (2nd) and subsequent offenses involving the same violation at the same building or premises, the punishment shall be a fine of not less than two hundred fifty dollars (\$250.00) or more than one thousand dollars (\$1,000.00) for each and every day that such violation shall continue or by imprisonment for ten (10) days for each and every day such violation shall continue or by both such fine and imprisonment in the discretion of the court;

- C. Any such person who having been served with an order to remove any such violation shall fail to comply with such order within ten (10) days after such service or shall continue to violate any provision of the regulations made under authority of Sections 89.010 — 89.140, RSMo., in the respect named in such order shall also be subject to a civil penalty of two hundred fifty dollars (\$250.00).

#### ARTICLE IX Validity

##### Section 405.220. Validity.

[Ord. No. 164 §14, 6-26-1950]

The various provisions of this Chapter are not interdependent and if any Section, Subsection, sentence, clause or phrase of this Chapter shall be held to be invalid or unconstitutional, the remainder of the Chapter shall not be affected thereby but shall remain in full force and effect.